



Stepparent Adoption

Introduction

The most common form of adoption is that of children by stepparents. In these situations the adopting stepparent assumes financial and legal responsibility for his/her spouse's child or children and releases the noncustodial parent of parental responsibilities, including child support.

This fact sheet discusses legal issues in stepparent adoptions and how to proceed.

Legal Issues

State laws on stepparent adoptions vary. Most States have a streamlined process for adoptions by stepparents whereby the judge hearing the adoption petition has the ability to dispense with the requirement in State laws for an adoption home study. Some States, however, will not approve a stepparent adoption unless the custodial parent has been married to the stepparent for 1 year or longer.

When a stepparent wishes to adopt a stepchild, the child's parents (the stepparent's spouse and the noncustodial or absent parent) are usually both required to consent to that adoption. In consenting to an adoption, the noncustodial parent relinquishes all parental rights and responsibilities, including child support. If the noncustodial parent objects to the proposed adoption and refuses to consent to it, State laws may prevent the adoption from proceeding.

Some State adoption laws specify special circumstances under which the noncustodial parent's consent is not required. Other States have made special provisions in their adoption laws to allow stepparent adoptions to occur, even over the objections of the noncustodial parent, in cases where the noncustodial parent has failed to maintain communication with the child for a specified period of time.

Steps for Stepparents Wishing to Adopt

1. Check out your State adoption laws regarding stepparent adoptions.

Nothing can replace the qualified legal advice of an adoption attorney admitted to the Bar in your State. Adoption attorneys will know the relevant State adoption laws and will be able to research case law decisions in your State that may have established legal precedents applicable in your situation.

The National Adoption Information Clearinghouse (NAIC) State Statutes Series provides summaries of State laws regarding certain aspects of adoption, including:

- Consent to Adoption (<http://naic.acf.hhs.gov/general/legal/statutes/consent.cfm>)
- Presumed (Putative) Fathers (<http://naic.acf.hhs.gov/general/legal/statutes/putative.cfm>)



- Parties to an Adoption (<http://naic.acf.hhs.gov/general/legal/statutes/parties.cfm>)

NAIC's *Resources for State Adoption Statutes* provides full-text adoption laws along with the citations that will help you to locate the applicable Title or Chapter in your State laws.

2. Contact the court in your county that handles adoptions.

In some States adoptions are handled in juvenile court; in other States the Family Court or Surrogacy Court handles adoptions. Ask to speak to the court clerk or other employee who can provide information about stepparent adoptions. (Court employees may not dispense legal advice.) Many courts have an information packet that can be mailed to you. If the court does not have a prepared packet, find out in your phone call:

- Whether court regulations require you to be represented by an attorney during stepparent adoption proceedings, or whether you can represent yourself.
- Where you can obtain the required legal forms.

3. Obtain required legal forms.

Many States have designated certain publishing companies to stock and sell to the public legal forms for court procedures. If you hire an attorney, he or she will take care of this for you.

4. Submit required legal paperwork.

Again, this will be handled by the attorney representing you at the adoption hearing if you choose to hire one.

5. Await notification of a court hearing date.

A hearing date is assigned in consultation with the judge's (or magistrate's) schedule, your attorney's schedule, and the court calendar. You may be notified of the hearing date by mail or by your attorney. You usually are required to attend this hearing.

6. Appear at the hearing.

Court hearings are held to allow the judge or magistrate hearing the case to question the parties involved. Your attorney will advise you about how adoption hearings are conducted in a particular court. At the end of the hearing, the judge or magistrate will set a date for the finalization of the adoption. Your attorney will advise you whether or not you will be required to attend this hearing.

7. Finalize the adoption.

Adoption certificates are issued at this hearing. You may wish to request additional copies of this legal document for your files.

8. Apply for amended birth certificates.

After the adoption is finalized, you can apply for amended birth certificates to be issued.

Parenting Resources

Adoption does not end with finalization. Parenting is a lifelong endeavor, and adoptive families sometimes face unique challenges. NAIC (<http://naic.acf.hhs.gov>) offers a number of factsheets on the unique issues that sometimes arise when parenting an adopted child. Some of these include:

Adoption and the Stages of Development
http://naic.acf.hhs.gov/pubs/f_stages/index.cfm

Adoption and School Issues
http://naic.acf.hhs.gov/pubs/f_school.cfm

After Adoption: The Need for Services
http://naic.acf.hhs.gov/pubs/f_after/index.cfm

Explaining Adoption to Your Child, Family, and Friends
http://naic.acf.hhs.gov/pubs/f_explaining.cfm

Parenting the Adopted Adolescent
http://naic.acf.hhs.gov/pubs/f_adoles/index.cfm

Tips on Selecting an Adoption Therapist
http://naic.acf.hhs.gov/pubs/r_tips.cfm

The Value of Adoptive Parent Groups
http://naic.acf.hhs.gov/pubs/f_value.cfm

NAIC's National Adoption Directory lists adoption support groups in every State. Search it online at <http://naic.acf.hhs.gov/general/nad/index.cfm>.